

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JESSE LEE FAIRCLOTH,
a/k/a JESSE LEE HOPKINS,

Plaintiff,

vs.

WARDEN JIM SALMONSEN, et al.,

Defendants.

CV 22-81-H-BMM

ORDER

On October 20, 2022, Plaintiff Jesse Lee Faircloth filed a civil rights complaint under 42 U.S.C. § 1983. (Doc. 2.) Mr. Faircloth also submitted a motion to proceed in forma pauperis, but failed to provide a copy of his inmate account statement. (*See* Doc. 1.) Mr. Faircloth generally alleges that Defendants have violated his Eighth Amendment rights and have exhibited deliberate indifference in failing to protect him from an assault by fellow inmates while incarcerated at Montana State Prison (“MSP”). (*Id.* at 3-4.)

Mr. Faircloth was directed to provide his account statement, but he failed to timely respond to this Court’s order. Additionally, Mr. Faircloth is no longer in

custody of MSP, (Doc. 4), but has neglected to provide a notice of change of address as instructed. (*See* Doc. 3 at 2.)

On November 21, 2022, this Court denied Mr. Faircloth's request for a temporary restraining order, in part, because it appeared his claims against Defendants were moot in light of his transfer from MSP. (*See generally* Doc. 7.) The Court contacted the United States Marshals Service and was advised that Mr. Faircloth had been transferred to the custody of the Big Horn County Jail. (*Id.* at 2.) Mr. Faircloth was given an additional 21 days to provide a copy of his inmate account statement and was advised that failure to do so would result in this matter being closed without additional notice. (*Id.* at 2, 5.) The Court attempted to send Mr. Faircloth documents at the Big Horn County Jail, but the mail has been returned as undeliverable. (*See* Doc. 8.) To date, Mr. Faircloth has not attempted to contact the Court and provide an updated mailing address, despite being aware he is obligated to do so. (*See* Doc. 3 at 2; *see also* Doc. 6 at 2-3.)

Based upon the foregoing, the Court issues the following:

ORDER

1. Mr. Faircloth's motion for leave to proceed in forma pauperis (Doc. 1) is DENIED.
2. Mr. Faircloth's Complaint (Doc. 2) is DISMISSED without prejudice.

3. The Clerk of Court is directed to enter a judgment of dismissal.

DATED this 3rd day of January, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court